

Message Text

UNCLASSIFIED

PAGE 01 LONDON 05665 01 OF 02 051734Z
ACTION EB-08

INFO OCT-01 EUR-12 ISO-00 AGRE-00 CIAE-00 COME-00
INR-07 LAB-04 NSAE-00 SP-02 STR-04 TRSE-00 FRB-01
OMB-01 AF-08 ARA-10 EA-09 NEA-10 IO-13 L-03
(ISO) W

-----052109Z 072966 /42

R 051709Z APR 77
FM AMEMBASSY LONDON
TO SECSTATE WASHDC 2392

UNCLAS SECTION 01 OF 02 LONDON 05665

FOR: EB/ISM: MR. ASHLEY HEWITT
E.O. 11652: N/A
TAGS: ETRD, EPAP
SUBJECT: RUBBER -- HEADQUARTERS AGREEMENT FOR IRSG

REFERENCE: LONDON 4833

1. AT THE MEETING ON APRIL 5 OF THE EXECUTIVE COMMITTEE
OF THE INTERNATIONAL RUBBER STUDY GROUP (IRSG) SECRETARY
GENERAL BATEMAN INTRODUCED A LETTER DATED MARCH 29 FROM
THE FCO PROPOSING CHANGES TO THE DRAFT HEADQUARTERS
AGREEMENT, SUBSTANTIVE PORTIONS OF WHICH FOLLOW:

"IT HAS NOW BEEN AGREED BY ALL THE INTERESTED GOVERNMENT
DEPARTMENTS THAT, IN THE CIRCUMSTANCES, IT WOULD BE
APPROPRIATE TO GRANT SUCH IMMUNITY TO THE GROUP. WE
SHOULD THEREFORE LIKE TO PROPOSE THE INCLUSION IN THE
DRAFT AGREEMENT OF A NEW ARTICLE 5 TO READ AS FOLLOWS:-
"L. WITHIN THE SCOPE OF ITS OFFICIAL ACTIVITIES, THE
GROUP SHALL HAVE IMMUNITY FROM JURISDICTION AND EXECU-
TION EXCEPT:

(A) TO THE EXTENT THAT THE GROUP WAIVES IT IN A
PARTICULAR CASE. THE GROUP SHALL BE DEEMED TO HAVE
WAIVED ITS IMMUNITY IF, AFTER RECEIVING A REQUEST
FOR WAIVER OF IMMUNITY IN A PARTICULAR CASE BY
UNCLASSIFIED

UNCLASSIFIED

PAGE 02 LONDON 05665 01 OF 02 051734Z

EITHER ANOTHER PARTY TO THE PROCEEDINGS OR BY THE
PERSON OR BODY BEFORE WHICH THE PROCEEDINGS ARE
PENDING, THE GROUP HAS NOT GIVEN NOTICE, WITHIN 15
DAYS OF RECEIPT OF THE REQUEST, THAT IT DOES NOT
WAIVE SUCH IMMUNITY;
(B) IN RESPECT OF A CIVIL ACTION BY A THIRD PARTY FOR
DAMAGE ARISING FROM AN ACCIDENT CAUSED BY A MOTOR

VEHICLE BELONGING TO OR OPERATED ON BEHALF OF THE
GROUP OR IN RESPECT OF A MOTOR TRAFFIC OFFENCE
INVOLVING SUCH A VEHICLE;

(C) IN RESPECT OF AN ENFORCEMENT OF AN ARBITRATION
AWARD MADE UNDER EITHER ARTICLE 19 OR ARTICLE 20 OF
THIS AGREEMENT; AND

(D) IN THE EVENT OF THE ATTACHMENT, PURSUANT TO THE
ORDER OF A COURT OF LAW, OF THE SALARIES, WAGES OR
OTHER EMOLUMENTS OWED BY THE GROUP TO AN OFFICER OF
THE GROUP.

2. SUBJECT TO PARAGRAPH L, THE GROUP'S PROPERTY AND
ASSETS WHEREVER SITUATED SHALL BE IMMUNE FROM ANY FORM
OF ADMINISTRATIVE OR PROVISIONAL JUDICIAL CONSTRAINT
SUCH AS REQUISITION, CONFISCATION, EXPROPRIATION OR
ATTACHMENT, EXCEPT INsofar AS MAY BE TEMPORARILY
RECESSARY IN CONNECTION WITH THE PREVENTION OF AND
INVESTIGATION INTO, ACCIDENTS INVOLVING MOTOR VEHICLES
BELONGING TO, OR OPERATED ON BEHALF OF, THE GROUP."

I TRUST THAT THIS WORDING, WHICH IS BASED ON THAT USED
IN MORE RECENT AGREEMENTS THAN THE INTERNATIONAL TIN
COUNCIL HEADQUARTERS AGREEMENT, WILL BE ACCEPTABLE TO
THE MEMBERS OF THE IRSG.

THE INSERTION OF THIS ARTICLE WILL NECESSITATE RE-
NUMBERING THE FOLLOWING ARTICLES AND THE INTRODUCTION
OF A NEW ARTICLE 19 TO FOLLOW THE PRESENT ARTICLE 17.
THE PRESENT ARTICLE 18 SHOULD BE REPLACED BY A NEW
ARTICLE 20, THE TEXTS OF THE NEW ARTICLES TO READ AS

UNCLASSIFIED

UNCLASSIFIED

PAGE 03 LONDON 05665 01 OF 02 051734Z

UNCLASSIFIED

NNN

UNCLASSIFIED

PAGE 01 LONDON 05665 02 OF 02 051733Z
ACTION EB-08

INFO OCT-01 EUR-12 ISO-00 AGRE-00 CIAE-00 COME-00
INR-07 LAB-04 NSAE-00 SP-02 STR-04 TRSE-00 FRB-01
OMB-01 AF-08 ARA-10 EA-09 NEA-10 IO-13 L-03 /093 W
-----051904Z 070255 /42

R 051709Z APR 77

FM AMEMBASSY LONDON
TO SECSTATE WASHDC 2393

UNCLAS SECTION 02 OF 02 LONDON 05665

FOLLOWS:-

"19. WHERE THE GROUP ENTERS INTO CONTRACTS (OTHER THAN CONTRACTS CONCLUDED IN ACCORDANCE WITH STAFF REGULATIONS) WITH A PERSON RESIDENT IN THE UNITED KINGDOM OR A BODY INCORPORATED OR HAVING ITS PRINCIPAL PLACE OF BUSINESS IN THE UNITED KINGDOM AND EMBODIES THE TERMS OF THE CONTRACT IN A FORMAL INSTRUMENT, THAT INSTRUMENT SHALL INCLUDE AN ARBITRATION CLAUSE WHEREBY ANY DISPUTES ARISING OUT OF THE INTERPRETATION OR EXECUTION OF THE CONTRACT MAY AT THE REQUEST OF EITHER PARTY BE SUBMITTED TO PRIVATE ARBITRATION.

20. SUBMISSION TO AN INTERNATIONAL ARBITRATION TRIBUNAL. THE GROUP SHALL, AT THE INSTANCE OF THE GOVERNMENT, SUBMIT TO AN INTERNATIONAL ARBITRATION TRIBUNAL ANY DISPUTE:

(A) ARISING OUT OF DAMAGE CAUSED BY THE GROUP;

(B) INVOLVING ANY OTHER NON CONTRACTUAL RESPONSIBILITY OF THE GROUP; AND

(C) INVOLVING A STAFF MEMBER OR EXPERT OF THE GROUP, IN WHICH THE PERSON CONCERNED CAN CLAIM IMMUNITY FROM JURISDICTION UNDER THIS AGREEMENT AND THAT IMMUNITY HAS NOT BEEN WAIVED."

THE REMAINING ARTICLES WILL, OF COURSE, HAVE TO BE UNCLASSIFIED

UNCLASSIFIED

PAGE 02 LONDON 05665 02 OF 02 051733Z

RENUMBERED."

2. DURING THE COURSE OF THE MEETING THE CHAIRMAN (HOPE -- U.K.) URGED THAT THE DRAFT (WITH INCLUSION OF AMENDMENTS) BE APPROVED BY MEMBER GOVERNMENTS AS SOON AS POSSIBLE SO THAT A DEFINITIVE DRAFT CAN BE PRESENTED TO THE GROUP MEETING IN JUNE. IN THE DISCUSSION THAT FOLLOWED, THE FRG DELEGATE REPORTED HIS GOVERNMENT HAD WITHDRAWN ITS OBJECTIONS TO THE EARLIER DRAFT AND ALL OTHER DELEGATIONS SIGNIFIED CONCURRENCE. USDEL, SPEAKING FROM NOTES, EXPLAINED GENERAL AREAS OF CONCERN WITH FIRST DRAFT. HE STATED AMENDMENTS WOULD BE FORWARDED TO DEPARTMENT AND HOPEFULLY OUR FORMAL COMMENTS WOULD BE FORTHCOMING SHORTLY.

MILLER

UNCLASSIFIED

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: RUBBER, AGREEMENTS, SITE SURVEYS, ORGANIZATION & MANAGEMENT
Control Number: n/a
Copy: SINGLE
Sent Date: 05-Apr-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01-Jan-1960 12:00:00 am
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977LONDON05665
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770118-0936
Format: TEL
From: LONDON
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770487/aaaacxzj.tel
Line Count: 168
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: a120efa9-c288-dd11-92da-001cc4696bcc
Office: ACTION EB
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 77 LONDON 4833
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 10-Jan-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2895399
Secure: OPEN
Status: NATIVE
Subject: RUBBER -- HEADQUARTERS AGREEMENT FOR IRSG
TAGS: ETRD, EPAP, UK, IRSG
To: STATE
Type: TE
vdkgvwkey: odhc://SAS/SAS.dbo.SAS_Docs/a120efa9-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009